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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,566	08/22/2003	Ik Beom Jeon	1740-000056/US	8221

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 8910
Reston, VA 20195

EXAMINER

DANIELSEN, NATHAN ANDREW

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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11/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/645,566	Applicant(s) JEON ET AL.	
	Examiner Nathan Danielsen	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,8-10,12,15,16,18,19,22-25,35-43,45-53 and 56-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4,8-10,12,15,16,18,19,22-25,35-43,45-53 and 56-59 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/17/09, 08/18/09, & 09/22/09</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2627

DETAILED ACTION

1. Claims 1-4, 8-10, 12, 15, 16, 18, 19, 22-25, 35-43, 45-53, and 56-59 are pending. Claims 26-34 have been canceled in applicant's preliminary amendment filed 03 December 2004. Claims 6 and 11 have been canceled in applicant's amendment filed 09 May 2007. Claim 20 has been canceled and claims 50-61 have been added in applicant's amendment filed 18 October 2007. Claims 5 and 21 have been canceled in applicant's amendment filed 07 October 2008. Claims 7, 13, 14, 17, 44, 54, 55, 60, and 61 have been canceled in applicant's amendment filed 08 August 2009.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on applications filed in Korea on 22 August 2002 and 14 October 2002. Upon further inspection of the record, it is noted that, even though applicant has filed on 19 March 2009 certified translations of the following priority applications, applicant has not filed certified original copies (in the Korean language) of the 10-2002-0049637 and 10-2002-0062522 applications as required by 35 USC § 119(b) and 37 CFR § 1.55(a)(2). Therefore, because applicant's certified translations were relied upon to perfect applicant's claim for foreign priority and to overcome a reference which qualified as prior art under 35 USC § 102(a) (as found in the Office action mailed 22 December 2008), applicant is required under 37 CFR §§ 1.55(a)(3)(ii) and 1.55(a)(3)(iii) to file certified original copies of the aforementioned priority documents which correspond to the previously-filed certified translations. Although 37 CFR § 1.55(d)(1)(i) states that applicant may file "a request, in a separate document, that the Office obtain a copy of the foreign application from a foreign intellectual property office participating with the Office in a bilateral or multilateral priority document exchange agreement (participating foreign intellectual property office", applicant may not rely upon such a request since 37 CFR § 1.55(d)(1)(iii) states that "such a request should be made within the later of four months from the filing date of the application or sixteen months from the filing date of the foreign application" both of which have expired.

Art Unit: 2627

Response to Arguments

3. Applicant's arguments, see pages 13-16, filed 04 August 2009, with respect to claims 1-4, 8, 13, 16, 19, 24, 25, 36-41, 46-51, 53, and 56-59 have been fully considered and are persuasive. The rejection of these claims as mailed 02 June 2009 has been withdrawn.

4. Because a proper Terminal Disclaimer has been filed disclaiming the terminal part of the statutory term of any patent granted in co-pending US Application 10/787,159 which would extend beyond the expiration date of the full statutory term of any patent granted in the instant application, the double-patenting rejections found in the Office action mailed 02 June 2009 have been withdrawn. See MPEP § 804(I)(B)(1), second paragraph.

Allowable Subject Matter

5. Claims 1-4, 8-10, 12, 15, 16, 18, 19, 22-25, 35-43, 45-53, and 56-59 are allowed.

6. The following is an examiner's statement of reasons for allowance: the prior art of record, either alone or in combination, fails to teach or fairly suggest the details of the format of the data contained in the BCA in combination with the remaining limitations found in independent claims 1, 18, 38, 50, and 56, as argued by applicant on pages 13-16, filed 04 August 2009.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Closing Remarks/Comments

7. This application is in condition for allowance except for the following formal matters:

See section 2, entitled "Priority", of this Office action.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Art Unit: 2627

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Danielsen whose telephone number is (571)272-4248. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:00 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A.L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrea L Wellington/
Supervisory Patent Examiner, Art Unit
2627

/ND/
11/06/2009